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FILED
DISTRICT COURT OF GUAM

JUN - 2 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN PANGELINAN ROBERTO,

Defendant.

CRIMINAL CASE NO. 00-00140

**GOVERNMENT'S RULE 35 MOTION
TO REDUCE SENTENCE FOR
SUBSTANTIAL ASSISTANCE**

COMES NOW the United States of America, by and through undersigned counsel, and moves this Honorable Court to reduce the sentence of the defendant, as permitted pursuant to Federal Rule of Criminal Procedure 35(b)(2)(B). The government makes this motion because more than one year after defendant's sentencing, he provided information within one year of sentencing which did not become useful to the government until more than one year thereafter.

On May 28, 2004, the defendant appeared for sentencing on this indictment charging Manufacture of Marijuana, in violation of Title 21, U.S.C. § 841(a)(1). The Honorable Robert J. Torres granted the government's 5K1.1 motion for a departure due to substantial assistance, and

1 imposed a sentence of one month incarceration with credit for time served, four years supervised
2 release, and as a condition of supervised release, five months of home confinement, as well as
3 other conditions. On August 17, 2004, this Honorable Court entered an amended judgment,
4 modifying defendant's conditions of supervised release to provide for payment of the costs of
5 electronic monitoring for the five month term of home confinement he was to serve.

6 On June 10, 2004, the Court granted the parties' stipulation to allow defendant to enter
7 into an agreement to act as an informant for the US Immigration and Customs Enforcement
8 and/or the Internal Revenue Service.


9 After his sentence, defendant advised ICE agents that on November 2, 2004, he had been
10 approached by an individual, the main suspect in this investigation, who asked whether
11 defendant would be willing to body-carry currency from Guam into the United States on a flight
12 leaving November 6, 2004. The individual told defendant the money was going to Mexicans and
13 was related to drug trafficking on Guam. Defendant said he would try to recruit people for this
14 scheme, and arranged to introduce two ICE undercover agents to the individual, who purchased
15 tickets for them on the November 6 Guam-Honolulu-Los Angeles flight. The individual gave
16 each undercover agent an envelope containing over \$10,000 in cash, and instructed them to give
17 the cash to a woman who was traveling on the same flight. When the plane landed in Honolulu,
18 ICE investigators counted and photographed the money, and replaced it in the original envelopes.
19 Both undercover agents gave their envelopes to the female during the flight to Los Angeles.
20 When the female suspect arrived at the Los Angeles International Airport, she checked into a
21 motel room. An hour later, two females drove up to the motel in a sports utility vehicle, and the
22 female suspect handed a bag to them.

23 As part of this investigation, defendant made consensually recorded telephone calls to the
24 main suspect. In addition, subsequent investigation has confirmed that the sports utility vehicle
25 which the two females used to meet with the female suspect has made numerous trips across the
26 Mexican border. As a result of his assistance, the government is preparing to indict at least two
27

1 individuals for bulk cash smuggling in violation of Title 31, U.S.C. § 5332. Thus, therefore, the
2 United States is recommending that the court reduce defendant's sentence to a straight four years
3 supervised release, and eliminate the condition of five months home confinement.

4 RESPECTFULLY SUBMITTED this 2nd day of June, 2006.

5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and the CNMI

8 By: 
9 KARON V. JOHNSON
Assistant U.S. Attorney